

SENATE BILL 2761
By Kilby

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 3.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-321(c), is amended by deleting subdivision (1)(B) in its entirety and by substituting instead the following:

(1)(B) Any applicant who does not have, or who states that the applicant has never been issued, a social security number required by subdivision (c)(1)(A) shall complete an affidavit, under penalty of perjury, affirming that the applicant has never been issued a social security number and shall submit either an original or certified copy of one (1) of the following:

(i) A birth certificate issued by Tennessee, another state, a possession, territory or commonwealth of the United States; or

(ii) Documentation issued by the United States bureau of citizen and immigration services authorizing the applicant to be in the United States.

Any applicant applying under item (ii) of this subdivision (1)(B) shall be issued a driver permit in accordance with the provisions of this part.

SECTION 2. Tennessee Code Annotated, Section 55-50-323, is amended by adding the following language as a new, appropriately designated subsection:

(e) The annual fee charged for a driver permit, or photo identification license, issued pursuant to § 55-50-337(c) shall be equal to the cost of manufacturing and administering any such permits and licenses.

SECTION 3. Tennessee Code Annotated, Section 55-50-332(b), is amended by inserting the language "and permits and licenses issued pursuant to § 55-50-337(c)" between the language "Class P licenses" and the language "which shall expire".

SECTION 4. Tennessee Code Annotated, Section 55-50-336(a), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Notwithstanding any provision of law to the contrary, every applicant for a photo identification license shall provide a social security number, a birth certificate issued in accordance with § 55-50-321(c)(1)(B)(i) or documentation issued by the United States bureau of citizen and immigration services authorizing the applicant to be in the United States.

SECTION 5. Tennessee Code Annotated, Section 55-50-336(c), is amended by deleting the language "but will continue to be valid until cancelled or replaced." and by substituting instead the following:

but will continue to be valid until cancelled or replaced; provided that every photo identification license issued to an applicant based on documentation issued by the United States bureau of citizen and immigration services authorizing the applicant to be in the United States shall expire (1) year from the date of issuance.

SECTION 6. Tennessee Code Annotated, Section 55-50-337, is amended by adding the following language as new, appropriately designated subsections:

(c)

(1) Notwithstanding subsection (a), any applicant for a driver license subject to the provisions of § 55-50-321(c)(1)(B)(ii) shall be issued a driver permit which shall expire one (1) year from the date of initial issuance.

(2) Notwithstanding subsections (a) or (b), any applicant for a photo identification license based upon documentation issued by the United States bureau of citizen and immigration services authorizing the applicant to be in the United States shall be issued a photo identification license which shall expire one (1) year from the date of initial issuance.

(d) Any person issued either a driver license or photo identification license prior to July 1, 2004, who is subject to the provisions of subsection (c), shall upon renewal or

reapplication receive a driver permit or photo identification license which shall expire in accordance with subsection (c).

SECTION 7. Tennessee Code Annotated, Section 55-50-338(a), is amended by adding the following language as a new, appropriately designated subdivision:

(6) Notwithstanding any provision of law to the contrary, any applicant for renewal of either a driver permit or a photo identification license, based upon documentation issued by the United States bureau of citizen and immigration services authorizing the applicant to be in the United States, shall provide sufficient documentation at each renewal demonstrating that such applicant remains authorized to be in the United States.

SECTION 8. The commissioner of safety is authorized to promulgate rules and regulations to effectuate the provisions of this act.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect July 1, 2004, the public welfare requiring it